

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SARETHA LAND

PLAINTIFF,

V.

UNIVERSITY HOSPITALS HEALTH
SYSTEMS, INC.

DEFENDANT.

CASE NO.:

JUDGE:

**STATE COURT CASE NO. CV-23-
974623**

NOTICE OF REMOVAL

Pursuant to 28 USC §§ 1331, 1367, 1441, and 1446, Defendant University Hospitals Health Systems, Inc., (“Defendant” OR “UHHS”) by and through its attorneys Lewis Brisbois Bisgaard & Smith LLP, respectfully submit as follows:

1. On February 1, 2023 Plaintiff Saretha Land (“or “Plaintiff” or “Land”) filed the Summons and Complaint in the Cuyahoga County, Ohio Court of Common Pleas in a case captioned Saretha Land v. University Hospitals Health Systems, Inc., Case No. CV-23-974623 (“State Action”).

2. A true and correct copy of the Complaint for Damages and Reinstatement (the “Complaint”), the Docket in the State Action, and the Summons are attached hereto as Exhibit A.

3. No other pleadings have been filed in the State Action.

4. All pleadings in the State Action have been attached to this removal.

5. On February 7, 2023, Plaintiff served a Summons and a copy of the Complaint on Defendant. (*See* Docket at 02/06/2023).

6. This Notice of Removal is being filed within thirty (30) days after Defendant was served with the Summons and Complaint on February 7, 2023 in the State Action and, therefore,

is timely pursuant to 28 U.S.C. § 1446(b). The Complaint asserts four (4) causes of action: (1) disability discrimination in violation of R.C. § 4112.02; (2) failure to accommodate pursuant to R.C. § 4112.02; (3) retaliation in violation R.C. § 4112.02.; (4) retaliation in violation of the FMLA.

7. Defendant has not filed an answer or other responsive pleading in the State Action and the time for them to do so has not yet run.

8. Defendant hereby removes this action based on federal law jurisdiction pursuant to 28 U.S.C. § 1331.

9. The State Action is not a non-removable action as described in 28 U.S.C. § 1445.

10. Defendant consents to this removal.

11. Plaintiff has alleged violations of federal law.

12. Specifically, Plaintiff's Complaint seeks recovery pursuant to the Family Medical Leave Act, 29 U.S.C. § 2615(a) and 29 U.S.C. § 2617.

13. District courts "have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

14. The instance in which "a case arises under federal law" is "when federal law creates the cause of action asserted." *Gunn v. Minton*, 133 S. Ct. 1059, 1064 (2013).

15. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the Complaint involves and is predicated upon a federal question.

16. Venue is proper in the United States District Court for the Northern District of Ohio, Eastern Division pursuant to 28 U.S.C. §§ 1391 and 1441(a), because it encompasses the county in which this action is currently pending.

17. Plaintiff's Complaint also asserts state law claims for discrimination under R.C. §

4112.

18. Where a complaint alleges causes of action under both federal and state law, district courts have supplemental jurisdiction over the state law claims where the state law claims are so related to the federal law claims that they form part of the same case or controversy. 28 U.S.C. § 1367. Federal and state law claims form a part of the same case or controversy when they arise out of a “common nucleus of operative fact.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715 (1966).

19. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff’s state law claims because they arise out of the same set of facts as Plaintiff’s federal law claim.

20. Plaintiff’s state law claims do not raise novel or complex issues of state law or substantially predominate over the federal claims. 28 U.S.C. § 1367.

21. Accordingly, Defendant is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441, as this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

22. Defendant will promptly file a copy of this Notice of Removal with the Clerk of Court for the Cuyahoga County, Ohio Court of Common Pleas, in which the action had been pending.

WHEREFORE, Defendant respectfully requests that the above captioned action be removed from the Cuyahoga County, Ohio Court of Common Pleas, to the United States District Court, Northern District of Ohio, Eastern Division for all further proceedings.

Respectfully submitted,

/s/ David A. Campbell

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March, 2023, the foregoing was filed through the Court's CM/ECF electronic filing system. A copy of this filing will be sent to all parties through the court's ECF system. If a party is not registered with the court's ECF system, a true and correct copy will be sent via email and U.S. Mail, postage prepaid, upon the following:

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